

# RIGHTS OF CHILDREN WITH DISABILITIES AND PARENT RESPONSIBILITIES



Tennessee Department of Education  
Division of Special Education

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# INTRODUCTION



The Individuals with Disabilities Education Act (IDEA), which was amended in 2004, ensures that all children with disabilities receive a free appropriate public education (FAPE). IDEA emphasizes special education and related services designed to meet a child's unique educational needs and preparation for employment and independent living. One of the major intents of the new IDEA 2004 amendments was to strengthen the role of parents. This ensures that families of children with disabilities have meaningful opportunities to participate in the education of their children.

This resource guide has been written for you as the parent of a child with a suspected disability or for parents of children who are already receiving IDEA special education and related services. It is intended to assist you in participating in the education of your child. It will provide you with a description of the laws and regulations of special education. The goal of this guide is to also help you understand each step in the education process. With this knowledge, you will be prepared to take an active role in your child's education.

We hope the content and suggestions included in this guide will help your child benefit from a cooperative support system that is characterized by a partnership between home and school.

# QUICK REFERENCE GUIDE

## FOR

### SPECIAL EDUCATION SERVICES

|   | PARENT   | SCHOOL DISTRICT   |
|---|--|---|
| <b>PRE-REFERRAL/<br/>REQUEST FOR<br/>ASSISTANCE</b> | <ul style="list-style-type: none"> <li>❖ Contacts the teacher to discuss any concerns</li> <li>❖ Provides information that might be helpful</li> <li>❖ Requests intervention assistance</li> <li>❖ Participates in determining suspected disability</li> </ul>   | <ul style="list-style-type: none"> <li>➤ Contacts parents for information</li> <li>➤ Attempts different strategies and documents results</li> <li>• <b>Contacts parents to participate in a meeting to determine if a referral is needed when a disability is suspected</b></li> </ul>  |
| <b>REFERRAL</b>                                     | <ul style="list-style-type: none"> <li>• Makes <b>written</b> referral for a comprehensive evaluation for a suspected disability, if needed</li> <li>• Receives copy of parent's rights information</li> <li>❖ Asks for information about area parent support groups</li> <li>❖ Participates in determining suspected disability</li> <li>• Gives written permission for evaluation</li> </ul> | <ul style="list-style-type: none"> <li>• Makes referral for comprehensive evaluation if child is suspected of having a disability</li> <li>• Contacts parents, explains referral process, and provides copy of Rights of Children with Disability and Parent Responsibilities</li> <li>• Asks parents for consent to evaluate</li> <li>• Receives written parental permission for evaluation</li> </ul>   |
| <b>EVALUATION</b>                                   | <ul style="list-style-type: none"> <li>❖ Participates in evaluation team activities including determination of eligibility</li> <li>❖ Provides information for evaluation process (e.g., medical, family, and educational history: perceptions of child's strengths and needs)</li> <li>❖ Participates in determining suspected disability</li> </ul>  | <ul style="list-style-type: none"> <li>• Contacts parents to participate in the evaluation process</li> <li>• Discusses with parents and provides written notification (of who will evaluate and what types of assessments will be used)</li> <li>• Collects information from parents, teachers, and others</li> <li>• Completes evaluation</li> <li>• Summarizes and interprets evaluation results</li> <li>• Holds IEP meeting that includes parent, to determine the child's eligibility for special education services</li> <li>• If the child is eligible, the IEP team shall draft an IEP</li> <li>• Provides parents with a copy of the evaluation report and the documentation of the determination of eligibility</li> <li>• Notifies parents of their right to an independent evaluation, if there is a disagreement about the evaluation results</li> </ul> <p>If child is <b>not eligible</b> for special education services:</p> <ul style="list-style-type: none"> <li>➤ Determines appropriate modifications and/or interventions</li> <li>➤ Considers eligibility for services under Section 504 and Title I</li> </ul> |
| <b>BEFORE THE<br/>IEP MEETING</b>                   | <ul style="list-style-type: none"> <li>❖ Reviews parent's rights information</li> <li>❖ Seeks support person(s) for IEP meeting, if needed</li> <li>❖ Prepares concerns and questions for the IEP meeting, as well as suggested goals</li> </ul>   | <ul style="list-style-type: none"> <li>• Notifies parent of IEP meeting and who will attend</li> <li>• Determines mutually agreed on time and place for the meeting</li> </ul>  |

- Denotes recommended practice
- Denotes requirement
- ❖ Denotes parent's choice

|  | PARENT   | SCHOOL DISTRICT   |
|--|--|---|
| <b>DURING THE IEP MEETING</b>  | <ul style="list-style-type: none"> <li>❖ Reviews parent's rights information</li> <li>❖ Participates in IEP activities including:               <ul style="list-style-type: none"> <li>... Sharing information about your child's strengths and needs</li> <li>... Assisting in development of measurable goals and objectives</li> <li>... Determining jointly the appropriate special education and related services provided</li> </ul> </li> <li>• Gives permission for child to receive special education related services, supplementary aids and services to support the student in the general curriculum</li> </ul> | <ul style="list-style-type: none"> <li>• Provides and explains parent's rights information</li> <li>• Reviews the evaluation results and eligibility</li> <li>• Jointly develops IEP which includes:               <ul style="list-style-type: none"> <li>... Child's strengths and needs</li> <li>... Measurable annual goals and objectives</li> <li>... Supplementary aids and services to support the student in the general curriculum</li> <li>... Appropriate special education and related services</li> <li>... Time spent in regular education classroom</li> <li>... Participation in regular education curriculum</li> <li>... Participation in state mandated assessments</li> <li>... Transition planning</li> <li>... Schedule for reporting progress on IEP goals to parents</li> </ul> </li> <li>• Provides parents with a copy of the IEP</li> </ul>  |
| <b>ANNUAL REVIEW</b>   | <ul style="list-style-type: none"> <li>❖ Gathers school papers and other information that may be helpful at the meeting</li> <li>❖ Reviews parent's rights information</li> <li>❖ Brings support person(s) to meeting, if desired</li> <li>❖ Reviews current IEP</li> <li>❖ Writes ideas for new measurable goals and objectives</li> </ul> <p><b>(See evaluation step)</b></p>  | <ul style="list-style-type: none"> <li>• Provides and explains parent's rights information</li> <li>• Contacts parents to participate in the annual review</li> <li>• Gathers information on child's progress</li> <li>• Reviews current IEP</li> <li>• Discusses the appropriateness of extended school year services</li> </ul>   |
| <b>R<br/>E<br/>E<br/>V<br/>A<br/>L<br/>U<br/>A<br/>T<br/>I<br/>O<br/>N</b> | <ul style="list-style-type: none"> <li>❖ Reviews parent's rights information</li> <li>• Gives written permission for additional testing</li> <li>❖ Requests an evaluation sooner than three years if desired, especially if there is a change in child's skills</li> </ul>   | <ul style="list-style-type: none"> <li>• Notifies parents that the three-year reevaluation is due and asks for parents to participate</li> <li>• Provides copy of Rights of Children with Disability to parents</li> <li>• Explains reevaluation process</li> <li>• Asks for parent's input in reevaluation process</li> <li>• If additional assessment <b>is needed</b>:               <ul style="list-style-type: none"> <li>... Receives written permission for assessment</li> <li>... Asks for parent's input</li> <li>... Explains to parents who will reevaluate and the assessments to be used</li> <li>... Once assessment is completed IEP team meets to determine eligibility and develop IEP</li> </ul> </li> <li>• If additional assessment <b>is not needed</b> to determine if a child continues to have a disability, the local school system shall notify the parents.</li> </ul> <p><b>NOTE:</b> System informs parents of the right to an independent evaluation if parent disagrees with the district's evaluation.</p> |
| <b>INDEPENDENT EDUCATIONAL EVALUATION</b>                                  | <ul style="list-style-type: none"> <li>❖ Informs school in writing of any disagreement with their evaluation</li> <li>❖ Requests independent educational evaluation at public expense</li> </ul>   | <ul style="list-style-type: none"> <li>• Informs parents of their right to an independent evaluation if there is disagreement over the evaluation</li> <li>• Provides information about where an independent evaluation may be obtained</li> <li>• Pays for the independent educational evaluation or initiates impartial due process hearing if the evaluation team feels that the school's evaluation is appropriate and accurate</li> </ul>  |

# ANSWERS TO FREQUENTLY ASKED QUESTIONS

## Pre-Referral/Request for Assistance

### What do I do if my child is having difficulty learning in school?

You may:

- contact the teacher to discuss your concerns and provide information that might be helpful.
- participate in a problem solving process with the school to develop intervention in general education.
- request in writing that your child be evaluated to see if he/she is eligible for special education services under IDEA.

### What if the teacher reports that my child is having difficulty learning in school?

The school district may:

- contact you for information.
- attempt different strategies and document the results.
- contact you to participate in a meeting to determine if your child is suspected of having a disability.

**NOTE:** No matter where you are in this process at any time, you may request a comprehensive evaluation.

## Referral

### Who can make a referral?

If a child is suspected of having a disability and might need special education services, a referral for evaluation may be made by:

- parents;
- school personnel; and/or
- community agency personnel

### If the referral is made by:

- the parent - the referral should be **made in writing** to the school district stating you suspect that your child has a disability, and you are asking for a comprehensive evaluation.
- school personnel - you will be contacted by someone from the school district.

**After the referral is made by school personnel and before the evaluation begins:**

- you must be given prior written notice.
- remember the school district must have **your consent in writing** to evaluate your child.
- if you refuse to give your consent to evaluate, the school district may request a due process hearing.

**If a child is suspected of having a disability, what steps will the school district take?**

If the school system suspects your child of having a disability, the school district will:

- inform you of your legal rights and procedural safeguards;
- share information about special education services;
- obtain your consent for evaluation;
- determine the need for additional evaluation information; and
- plan your child's assessment

The evaluation and IEP process must be completed within **40** school days from your signed informed consent. A reasonable exception may be approved by the department if, based on the unique needs of the child being evaluated, extra time is required. The granting of any exception will be based on the documented individual needs of the child. If your child is eligible for preschool special education services, the services stated on the IEP must be in place by your child's third birthday. If the child turns three in the summer, the IEP team will determine when services begins.

**What happens if my child is not eligible for preschool special education services?**

If your child is not eligible for preschool special education services, with your consent, referrals to other community services and programs may be made. If you disagree and believe that your child is eligible for preschool special education services, you may also request an independent evaluation and/or a due process hearing.

**"Prior Written Notice" to Parents**

**When must a parent receive prior written notice?**

You must be informed, in writing, before your child:

- is evaluated;
- is identified as eligible for special education services;
- receives special education services or placement;
- has any change in service or placement; and/or
- is refused services.

### **What does “prior written notice” include?**

Prior written notice would include:

- your legal rights under special education law.
- what the school district plans to do and/or choose not to do and why.

Prior written notice would also include if appropriate:

- an explanation of steps to the evaluation.
- types of assessments.
- results of evaluations.
- other reports and information relative to your child.

**NOTE:** Prior notice to parents must be written in language understandable to the general public, and must be provided in your native language or given to you in other ways of communication, so that you understand your rights. The school district must keep a written record that this has been done.

### **Surrogate Parents**

#### **What is a surrogate parent?**

A surrogate parent is someone who acts in the place of a child’s parent for educational purposes when:

- the parent cannot be identified; or
- the school district cannot locate the parent after reasonable efforts; or
- the child is in the custody of the state and the parent does not have educational rights.

#### **The school district must have a process for:**

- identifying the need for a surrogate parent;
- appointing a surrogate parent; and
- training a surrogate parent.

#### **A surrogate parent can represent the child in all educational matters, including:**

- identification and referral;
- evaluation;
- educational placement of the child; and
- the provision of a free appropriate public education (FAPE) to the child, including participation in the IEP process.



**A surrogate parent must be someone who:**

- has received state approved training to represent the child;
- is not an employee of the school district or of a public agency involved in the education or care of the child;
- has no conflict of interest in representing the child; and
- has the necessary knowledge and skills to represent the child.

|                |
|----------------|
| <b>Consent</b> |
|----------------|

**What does consent mean?**

Consent means that:

- you have been given all the information necessary to make an informed decision about the proposed educational plan. This information must be given in your native language or other mode of communication to help you understand the actions the school system wishes to take in terms of your child's education.
- you understand and agree in writing to the proposed educational plan. The document(s) you sign must describe all activities and list any records that will be released. It must also list who will receive these records.
- you are informed in writing that your consent is voluntary and that you may withdraw your consent at any time.

**When must the school obtain my consent?**

The school system must ask for your consent when:

- an evaluation is done for the first time;
- special education and/or related services are provided for the first time;
- recommending a change of placement; or
- conducting any reevaluation to determine if your child continues to need special education and related services, if additional assessment is needed. However, the reevaluation may proceed if the school district demonstrates reasonable efforts to obtain your consent and you fail to respond.

**NOTE:** If you do not give your consent, or if you withdraw your consent, the school district may request a due process hearing to obtain permission to evaluate your child.

## **Evaluation**

### **What does evaluation mean?**

Evaluation is a process used to gather information to assist in determining the type and amount of services your child may need. Evaluations are also used to determine if your child is eligible to receive special education and related services under IDEA. They are administered by trained personnel and should measure the skill they are intended to measure. No single test or evaluation may be used as the sole basis for determining your child's program.

The purpose of evaluating your child is to:

- determine eligibility for special education services;
- get a complete picture of your child's abilities as a starting point for planning educational services; and
- make recommendations about ways to meet your child's educational needs.

### **When does my child need an evaluation?**

Your child needs an initial evaluation when you or the school district suspects that your child has a disability. If your child is already receiving special education services, a reevaluation may be conducted every three years or more frequently if the school or you request it. This reevaluation is done to assure that your child is still eligible to receive special education services, and to determine if the services are appropriate.

### **What will the evaluation include and how will it be administered?**

The evaluation will :

- be comprehensive and assess more than one area of your child's functioning;
- performed by a group of professionals;
- be administered in your child's native language or other mode of communication;
- be unbiased, or given in such a way as not to discriminate against your child, regardless of his or her cultural background, race, or disability;
- gather functional and developmental information including information provided by you, the parent;
- gather information related to helping your child be involved in and progress in the general curriculum, or, for preschool children, to participate in appropriate activities.
- if needed, use standardized assessments that have been validated for the specific purpose for which they are used;
- use assessments that measure how cognitive, behavioral, physical and developmental factors affect your child's learning.

## **What areas must be addressed by the evaluation?**

The evaluation must address all of the following areas, and assess those specific areas related to the suspected disability and the design of effective interventions:

- health
- vision
- hearing
- social and emotional status
- general intelligence
- school performance (achievement)
- communication status (listening, speaking, and writing)
- movement /use of muscles
- aptitudes (ability to do)
- interests
- preferences (likes and dislikes)
- employability (ability to get and keep a job)(development of a transition plan)
- environments (the child's surroundings) and their effect upon learning
- adaptive behavior
- background information, including developmental, family, medical, and educational histories, when appropriate
- pre-academic skills
- vocational/Pre-Vocational

## **Who provides the evaluation?**

All required evaluation components, including medical, are provided by the school district. When the school district's evaluation is complete, the school district must arrange a meeting with the IEP team, including the parents, to:

- review evaluation and assessment results
- determine if your child has a disability; and
- write an IEP, if necessary.

The school district will provide you with a copy of the evaluation report and the documentation of the determination of eligibility. The standard timeframe from informed written parental consent to the placement of a child eligible for special education will be limited to **(40)** school days. A reasonable exception may be approved by the department if, based on the unique needs of the child being evaluated, extra time is required. The granting of any exception will be based on the documented individual needs of the child.

**NOTE:** You may request that specific areas be assessed to determine eligibility for special education services as part of your child's evaluation.

## **Reevaluation**

### **What is the purpose of reevaluation?**

The purpose of reevaluation is to determine if the student continues to be eligible for special education and related services or needs a change in services.

### **When must reevaluation be done?**

- within three years from your child's last evaluation
- not more often than once a year, unless you and the school district agree; and
- prior to determining that a child no longer needs services.

### **What happens when it is time to reevaluate your child for special education services?**

The school district must give you prior written notice and obtain your written permission before a reevaluation is conducted. However, the reevaluation may proceed if the school district demonstrates reasonable efforts to obtain your consent and you fail to respond.

## **Independent Educational Evaluation**

### **What is an independent educational evaluation?**

An independent educational evaluation is an evaluation or assessment conducted by a qualified person who is not an employee of the school district serving the child.

### **Under what circumstances can an independent educational evaluation/assessment be obtained?**

If you disagree with your school district's evaluation you have the right to an independent educational evaluation at public expense. Public Expense means the school district either pays the full cost of the educational evaluation or ensures the evaluation is provided at no cost to you. Whenever an independent educational evaluation is at public expense, the standards under which the evaluation is obtained, including the location of the evaluation and qualifications of the examiner must meet the same standards the school district uses. The school district shall provide you with an approved list of qualified examiners within a reasonable radius of the school district.

**NOTE:** In addition, a hearing officer may request an independent educational evaluation. In this case, the independent evaluation must be at public expense.

### **Can a school district refuse to pay for an independent educational evaluation?**

Yes, but it is the school district's responsibility to request a due process hearing to show that its evaluation is valid. However, if the final decision is that the district's evaluation is appropriate, you still have the right to an independent education evaluation at your expense.

## **Where can you get an independent education evaluation?**

You may ask the school district to provide you with information about where to get an independent educational evaluation. Both parties must agree on the evaluator.

**NOTE:** If you get an independent educational evaluation at your expense, that meets the school system's criteria, the school district must consider those results in planning your child's program.

## **Individualized Education Program (IEP)**

### **What is an individualized education program?**

An individualized education program (IEP) is a written plan for a child with a disability that is developed and implemented according to federal and state regulations. This plan includes:

- a description of your child's strengths and needs (present levels of performance);
- a statement of measurable annual goals and instructional objectives related to meeting your child's needs;
- a statement of the special education and related services and supplementary aids and services to be provided to your child, or on behalf of your child.
- a statement of how your child will be educated and participate with other children with and without disabilities.
- a statement of how your child will be involved and progress in the extracurricular and other non-academic activities in the general curriculum.
- the explanation of the extent, if any, to which your child will not participate with non-disabled children in school activities;
- a statement of any individual modifications your child may need to participate in state mandated assessments.
- if the IEP team determines that your child will not participate in a particular assessment, the IEP must include a statement of why the assessment is not appropriate and how your child will be assessed;
- the projected date for the beginning of the services and modifications described in the IEP and the anticipated frequency, location and duration of those services and modifications;
- transition statements;
- a statement of how your child's progress will be measured and how you will be regularly informed.

**NOTE:** At least one year before your child turns eighteen, the school district is required to give you a statement that your child's legal rights will transfer to them at age 18. Your child will then be allowed to make educational decisions for him/herself, unless you have a court order from a judge declaring your child incompetent to act on his/her behalf.

## **Who should attend the IEP meeting?**

The school district is required to invite the following people to attend the IEP meeting as valued members of the decision-making process:

- parents;
- your child, when appropriate (your child must always be invited to IEP meetings held to discuss transition services at the age of 14 or older);
- at least one of your child's general education teachers;
- at least one special education teacher, or where appropriate, at least one of your child's special education providers (such as an occupational therapist or a speech-language pathologist);
- a representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities. The district representative should also be knowledgeable about the general curriculum and about the availability of resources of the school district;
- a person who can explain the instructional implications of the evaluation results; and/or other individuals at the invitation of the parents or the school district. An invitation does not require attendance.

**NOTE:** The IEP meeting should be held at a mutually agreed upon time and place. The school district must document all attempts to contact the parent. If parents choose not to attend, an IEP meeting may be conducted without them. The results of the meeting must be provided to the parents.

## **What is the responsibility of the IEP team?**

The responsibility of the IEP team is to:

- inform parents of their rights verbally and/or in writing.
- review the results of the evaluation, and/or the current IEP if the meeting is an annual review.
- identify areas of strengths and needs.
- identify measurable goals, objectives and benchmarks.
- identify the special education and related services needed to implement the IEP.
- determine Least Restrictive Environment (LRE).
- review additional considerations.

## **What additional considerations would the IEP team review?**

- your child's participation in state mandated testing programs;
- the transition of your child from early childhood (AGES 3-5) to school-age services;
- beginning at age 14 and updating annually, a statement of needed transition services that focus on your child's needs, preferences, and interest;
- beginning at age 16, a statement of needed transition services, the responsibilities of the school district, the participating agencies and other community connections;
- a positive behavior support plan if your child's behavior interferes with his or her learning or that of others;
- physical education programs that address your child's individual needs;

- your child’s need for extended school year services, if appropriate;
- the need for Braille instruction if your child has a visual impairment;
- his or her language needs as they relate to the IEP if your child has Limited English Proficiency (LEP);
- the communication needs of your child if your child is deaf or hard of hearing;
- your child’s need for assistive technology devices and services.

### **When will the IEP be reviewed and/or revised?**

- your child’s IEP may be reviewed/revised at any time during the school year at your request or at the school district’s request.
- your child’s IEP must be reviewed at least annually to determine whether the annual goals for your child are being achieved.

## **Extended School Year Services**

### **What are extended school year services?**

Extended school year services are special education and related services that are provided outside the normal 180-day school year. You and the participants in the IEP meeting may consider your child’s need for extended school year services. It must be addressed annually. The provision of extended school year services is determined on an individual basis. One factor the IEP team may consider when determining the appropriateness of extended school year services, is how much the child will regress and the amount of time it will take to catch up if instruction is interrupted during summer breaks and extended vacations.

## **Transitions**

### **What does “transition” mean?**

Transition for special education purposes is the move from secondary education to work, postsecondary programs and independent living or the move from early intervention services to preschool special education services.

### **What is transition from early intervention to preschool special education?**

If your child is receiving early intervention services and it is suspected that your child may be eligible for preschool special education, the following activities should occur:

- ninety (**90**) days prior to your child’s third birthday, the Tennessee early intervention service coordinator must schedule a meeting with you to discuss preschool special education. Your consent is required to share information with the school district.
- if you consent to sharing information with the school district, you and the other participants at the meeting (early intervention service providers and school district personnel) will review records and determine whether or not your child is suspected of having a disability.

## **What transition occurs when a student is moving from school-age special education to community life?**

If your child has been receiving school-age special education services, a statement of transition services is needed. This statement should focus on your child's courses of study (such as participation in advanced placement courses or a vocational education program) must be included on his/her IEP beginning at age 14 (or younger if appropriate). Transition activities may include:

- instruction and community experiences;
- integrated employment and adult living objectives (such as where your child will live or participate in recreation or leisure opportunities);
- gaining daily living skills (such as bathing, dressing, toileting); and
- a vocational education program.

Your child must be invited to any IEP team meeting that will determine his or her transition services.

### **Records**

## **Can you see your child's records?**

Your school district must permit you to inspect and review all educational records relating to your child. This includes records regarding the identification, evaluation, and educational placement of your child, as well as the provision of a free appropriate public education. You have the right to see all records that are collected, maintained, or used by the district under Part B of IDEA. If you request to inspect and review your child's records, then, the school district must comply with your request without unnecessary delay, no more than 45 days and /or before any IEP meeting or hearing related to your child's identification, evaluation, or educational placement.

## **What are your rights concerning records?**

Your rights to inspect and review educational records include the following:

- the right to get an explanation and interpretation from your school district or any agency performing a required school service; and
- the right to receive copies of the records if not having copies would prevent you from exercising your right to inspect and review the records (for example, if you lived in a different state and could not physically get to the school).

## **Who can see your child's records?**

The school district must keep a record of the people obtaining access to educational records, with the exception of:

- parents, surrogate parents, foster parents
- authorized employees of the school district; and
- representatives of any participating agency providing the school program.



This record must include the name of the person, the access date, and the purpose for which the person is authorized to use the records.

### **How do I get my child's record changed?**

If you believe that any information in your child's record is inaccurate, misleading, or violates the privacy or the other rights of your child, you may ask the school district to change the information. The school district must decide whether or not to change the information within a reasonable amount of time. If the school system refuses your request, you may ask for an administrative hearing in which a neutral administrative law judge settles the issue. This is known as a Family Education Rights Privacy Act (FERPA) hearing.

### **What are the costs for reviewing your child's records?**

A reasonable fee for copies of records may be charged to you as long as the fee does not prevent you from inspecting your child's records.

## **Least Restrictive Environment**

### **What are the general requirements for least restrictive environment?**

Each state shall ensure that each public agency establishes and implements procedures that meet the requirements.

Each public agency shall ensure:

- 1) that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled; and
- 2) that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

### **What is continuum of alternative placements?**

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum must consider the alternative placements such as:

- instruction in regular classes;
- special classes;
- special schools;
- home instruction; and
- instruction in hospitals and institutions.

The continuum should also make provision for supplementary services such as resource room or itinerant instruction to be provided in conjunction with regular class placement.

## **What is considered a Least Restrictive Environment for a preschool placement?**

To the maximum extent appropriate, preschoolers with disabilities are educated with children who are non-disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes or settings with the use of supplementary aids and services cannot be achieved satisfactorily. A child must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

A continuum of alternative placements must be available to meet the needs of preschool children with disabilities. The appropriate placement must be determined by a group of persons including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The decision making process should include specific consideration of integrated settings, active participation in age and developmentally appropriate curriculum, staff training and class organization and structure as they relate to the individual needs of the child. The placement must be determined annually, be based on the child's IEP or IFSP and be as close as possible to the child's home.

The following, while not an exhaustive list, is an example of continuum of placements:

- Community based programs
- Head Start Programs
- Itinerant Direct and/or Itinerant Collaboration
- Public-school based programs (fully inclusive, reverse mainstreaming, or self contained)
- Home services
- Instruction in hospitals and institutions

### **Private Schools**

## **What are your rights if you are considering private school placement for your child with a disability?**

- you have the right to have your child evaluated by the school district where the private school is physically located.
- following the comprehensive evaluation, if your child is eligible for services, a service plan may be developed by the public school district wherein the private school is located.
- if your child is eligible for special education and/or related services, you may take the IEP to the private school to discuss possible services as determined by the local education agency.
- if you choose to enroll your child in a private school instead of the public school, neither your school district of residence nor the school district wherein the private school is located is required to pay the cost of education, including special education and related services unless your school district of residence has not made a free appropriate public education available to your child.

### **When may parents receive reimbursement for private school placement?**

When the public school district did not offer or provide a free appropriate public education in a timely manner.

However, reimbursement may be reduced or denied if:

1. At the most recent IEP meeting you attended, you failed to inform, in writing, the IEP team that you were rejecting the proposed placement by stating your concerns and your intent to enroll your child in private school at public expense. **OR**
2. You failed to give the public school written notice ten business days (including holidays) before you removed your child, unless
  - you cannot read or write in English, providing the written notice would likely result in physical or serious emotional harm to your child,
  - the public school district prevented you from providing written notice, or
  - you were not informed that you had to provide written notice. **OR**
3. You failed to make your child available to the school district for appropriate and reasonable evaluation.

### **Discipline**

#### **Can my child be disciplined or suspended while he is in special education?**

If your child is disruptive or violates a school rule, school personnel may not suspend your child for more than 10 consecutive school days without providing special education and related services. Additional removals of not more than 10 consecutive school days may occur in the same school year for separate incidents of misconduct as long as those removals do not constitute a pattern of exclusion under 34 C.F.R. §300.519(b).

#### **What happens if my child is suspended for more than 10 days in a school year?**

Since exclusion of an eligible child for more than a total of ten school days per offense is considered to be a change of educational placement, the IEP team must meet to make decisions regarding the students behavior. The IEP team must decide the following:

- 1) Was the misbehavior a result of the child's disability?
- 2) Are the current IEP and placement appropriate?

\*Please note that in-school suspension is not considered a change of educational placement when special education services are being provided ( IEP is being implemented) and does not count toward the 10 school days.

**What happens when my child with a disability is suspended or removed from his/her current educational placement for 10 days or less?**

- the school may follow its normal disciplinary procedures.
- your child is subject to the same board of education policies that have been established for any student who is suspended from school.
- the district does not have to provide services for a suspension of 10 days or less in one school year.
- however, the ten days could be used by the IEP team to determine:
  - ... if your child's IEP is appropriate.
  - ... if your child's IEP is being followed.
  - ... the need for a behavioral assessment plan.
  - ... the need for positive behavioral interventions, strategies and supports to address the behavior.

**What if my child with a disability breaks the school's Code of Conduct?**

The principal can suspend or remove your child with a disability from his/her current educational placement as long as the total is not more than 10 school days in one school year without providing special education services. If the suspension goes over 10 consecutive school days for the school year, this is considered a change in placement and the school must:

- provide you with your legal rights (Parents' Rights) the day that the decision to suspend is made,
- within 10 school days, hold an IEP meeting, and
- provide a free appropriate public education (FAPE).

**What should occur at the IEP meeting?**

- an assessment plan and interventions to address the behavior are developed.
- if your child has a behavioral intervention plan as part of the IEP, then the team shall review the plan and change it as necessary.
- review the relationship between your child's disability and behavior subject to the disciplinary action (See Manifestation Determination Review on pages 19 & 20).

**What if my child possesses a weapon or drugs or seriously injures another person at school?**

School personnel can place your child in an interim alternative educational setting for a period of up to 45 school days.

**What can the school do if it is felt that my child is a danger to himself or others?**

When the current placement of the student is substantially likely to result in injury to the student or to others the district may convene an IEP meeting to review the IEP and address the concern that the student is likely to cause injury to self or others. If you and the school district are in disagreement, the district may request an expedited due process hearing.

When an expedited due process hearing is requested by the school district, the school district must assure that:

- you receive notification of the district's request for an expedited due process hearing and all procedural safeguards.
- the district must provide F.A.P.E.
- pending the expedited due process hearing, your child remains in the interim alternative placement unless you and the school district agree otherwise.

### **What will the hearing officer be deciding in an expedited hearing for dangerous behavior?**

The hearing officer must determine:

- that the school has shown by a preponderance of the evidence that keeping your child in the current placement is likely to result in injury to your child or others.
- that the interim alternative educational setting meets the requirements.

### **How is a manifestation determination review conducted?**

Relevant members of the IEP team and other qualified personnel must conduct the review. The team must consider all relevant information including:

- assessment (evaluation and diagnostic results)
- information supplied by you
- observations of the child
- the current IEP and placement.

They must then determine:

- whether the conduct in question was caused by, or had a direct and substantial relationship to, your child's disability OR
- whether the conduct in question was the direct result of the school district's failure to implement your child's IEP

If **either** of the statements above is **true**, then the behavior or conduct in question is a **manifestation** of your child's disability.

If the behavior is a manifestation of your child's disability, the IEP team should revise the IEP as needed, so that your child can return to his/her current placement.

If the behavior is not a manifestation of your child's disability, your child can be disciplined in the same manner as any other child. However, the school must provide educational services as determined by the IEP team if the days of suspension are more than 10 days during the school year.

### **What happens if I disagree with the manifestation determination?**

You may request an expedited hearing. The hearing officer shall determine whether the IEP team's manifestation determination is consistent with the requirements.

### **What services must be provided to a child in an alternative educational setting?**

The IEP team will select an interim alternative educational setting that shall:

- allow your child to continue to progress in the general curriculum although in another setting.
- allow your child to continue to receive services and modifications as written on the IEP that will enable your child to achieve the goals on the IEP.
- provide your child with services and modifications designed to address the behavior so that it does not recur.

### **What if I disagree with the alternative educational setting?**

You may request an expedited hearing. The hearing officer shall determine whether the interim alternative educational setting is appropriate.

### **Where is my child educated during an expedited hearing?**

In the interim alternative educational setting unless the school is suspending your child for not more than 10 cumulative days during the school year.

### **If I suspect my child has a disability, what rights does my child have if he/she has been suspended or expelled for drugs, weapons, or dangerous behavior?**

You may ask for an evaluation that must be conducted in an expedited manner. When the evaluation has been completed the IEP team must:

- determine eligibility
- conduct a manifestation if your child is eligible
- provide services if your child is eligible

### **Can the school district report my child to the police?**

A district can report your child to the police if he/she has committed a crime. If the district does report a crime, then they must give copies of the special education and disciplinary records of your child to the appropriate authority.

# RESOLVING DISAGREEMENTS

There may be a time when you and the school district disagree. Many disagreements can be resolved by communication with your child's teacher, principal, or other school district personnel. There are also procedures established by state and federal rules and regulations to address your concerns. They include:

- (1) Administrative Complaint**
- (2) Voluntary Mediation**
- (3) Impartial Due Process Hearing**

**NOTE:** Forms are available at end of this brochure.

## **Administrative Complaints**

Anyone who has a question or concern about the education of a child with identified or suspected disabilities is urged to first contact the appropriate personnel at their local school district where the child attends. Other organizations that will be helpful in resolving a complaint are:

Tennessee Department of Education  
Division of Special Education  
7<sup>th</sup> floor, Andrew Johnson Tower  
710 James Robertson Parkway  
Nashville, TN 37243-0380  
Phone: 615-532-8228  
Fax: 615-532-9412

East Tennessee Special Education Resource Services  
2763 Island Home Blvd.  
Knoxville, TN 37920  
Phone: 865-594-5691  
Fax: 865-594-8909

Middle Tennessee Special Education Resource Services  
1256 Foster Avenue, Hardison Bldg.  
Nashville, TN 37243  
Phone: 615-532-3258  
Fax: 615-532-3257

West Tennessee Special Education Resource Services  
100 Berryhill Drive  
Jackson, TN 38301  
Phone: 731-421-5074  
Fax: 731-421-5077

## **An Administrative Complaint:**

- must be in writing; (complaint form provided in the back of this booklet)
- should be addressed to the Division of Special Education, Office of Legal Services;
- must be signed by the person making the complaint (anonymous complaints will not be processed) however, under particular circumstances, confidentiality can be maintained;
- should be clear and concise in identifying the concern or the alleged violation;
- need not identify the specific law or regulation involved.

The Tennessee Department of Education will only investigate allegations of violations of the Individuals with Disabilities Education Act, as well as Tennessee's rules that apply to children with disabilities.

**NOTE:** If the person making the complaint has filed for a due process hearing on the same issue(s), the investigation will be tolled (held) until a decision in the due process hearing has been made.

## **Tennessee Department of Education's procedures in processing complaints:**

- the complaint will be dated upon receipt.
- a letter of acknowledgement will be sent to the complainant and school district. This letter will inform the person making the complaint of the general procedures that will be followed and the time lines for investigation.
- the investigation will be based on fact and findings specific to the allegations stated in the letter of complaint.
- once the investigation has been completed, the Tennessee Department of Education will issue a letter stating the findings of facts.
- the letter stating the findings of fact shall be mailed to you no later than 60 days from the date the Tennessee Department of Education receives the complaint.
- if areas of noncompliance are found, corrective action will be required and time lines for completion indicated. All parties will be informed of the areas of noncompliance and the required corrective actions.
- the 60-day timeline may be extended by the Tennessee Department of Education, if exceptional circumstances exist. Some examples of exceptional circumstances are:
  - ... the complexity of the issues;
  - ... the need for additional information;
  - ... the unavailability of any of the necessary parties;
  - ... the request and agreement of both parties of reasons such as illness or early complaint resolution; and/or
  - ... additional complaint issues submitted by the same person making the original complaint. The district administrator will be notified if additional issues are to be added.
- documentation that corrective action has been completed will be reviewed and placed in the complaint file maintained by the Division of Special Education. Technical assistance will be offered if deemed appropriate.
- if a person making a complaint wishes to withdraw a complaint, the assigned consultant shall send a letter of confirmation to the person making the complaint and the school district. A copy of the letter will be placed in the complaint file.



- The person making the complaint and/or school district may request that the Tennessee Department of Education review all of the findings based on additional written documentation.

### **Mediation**

Mediation may be requested when the school district and parents are unable to reach an agreement about special education and/or related services. Both you and school district must agree to this process. The school district will arrange a mutually agreed on time and a place for the mediation at no cost to you. The Tennessee Department of Education will assign a neutral mediator to conduct the mediation. You request mediation by filling out a form (provided in the back of this booklet) and returning it to your school system. Your local system can also provide you with copies of the form.

#### **The following are important to know about mediation:**

- discussions occurring during the mediation shall be confidential.
- no part of the mediation shall be electronically recorded.
- the school district or designated agency involved in the disagreement shall send a representative who has the authority to commit resources.
- if the mediation agreement requires a change(s) in your child's IEP, an IEP team meeting will be held following the mediation.
- if the dispute is resolved, each party shall receive a signed copy of the mediation agreement at the end of the meeting.
- if an agreement is reached during the mediation, any request for a due process hearing would be withdrawn by submitting a letter to the school system.

### **Due Process**

An impartial due process hearing is a formal, administrative procedure that is held to resolve disagreement. Disagreement may be about the identification, evaluation and placement of your child, or the provision of a free appropriate public education for your child. A hearing may be requested by parents, the school district, or other public agencies.

When you request a hearing, you must fill out a form (provided in the back of this booklet) or send a letter to the superintendent which:

- states that you are requesting an impartial due process hearing;
- includes your child's name and the school he or she is attending;
- indicates your relationship to the child;
- should indicate the specific issues or reasons why the request is being made;
- your child's address; and
- a proposed resolution to the problem.

When the school district requests a hearing, you will receive written notice.

### **After a hearing is requested:**

- the Tennessee Department of Education/Division of Special Education will assign an impartial hearing officer to hear your dispute.
- hearing officers are attorneys selected and trained by the Department of Education.
- a hearing officer must complete 40 hours special education training annually and cannot be an employee of the school district or any public agency involved in the education or care of your child, or a person having a personal or professional interest that may interfere with his or her objectivity.
- arrangements for the location, date, and time of the hearing will be determined by you, the school personnel, and the hearing officer.
- school personnel will contact you to arrange a resolution meeting which must be held within **15 days** of receipt of your request.
- at the resolution meeting, you, a school district representative and members of your child's IEP team who have knowledge of the issues in dispute, will attempt to resolve the dispute.
- you and the school district may agree in writing to waive the resolution meeting.
- **at least five business days** prior to the hearing, you and the school district shall disclose all evaluations, recommendations and evidence that you or the school district will use at the hearing.
- the decision made at a hearing is final, unless a civil action is filed by you or the school district to federal or state court within **60 days** of the decision.
- a hearing officer must make a final written decision and provide a copy to you and the school system within **45 days**, unless an extension is requested by either party and approved by the hearing officer.
- it is most likely that the school system will use an attorney.
- the school district may not bring its attorney to the resolution meeting unless you bring your attorney
- you may wish to employ an attorney to represent you during the due process hearing.
- the school system must provide you with a copy of low cost/free legal representation in your area.

A due process hearing follows the Uniform Tennessee Administrative Procedures Act and Tennessee Rules of Civil Procedure.

### **If you are in a hearing, you have the right to:**

- have your child present;
- request that the hearing be open or closed to the public;
- be accompanied and advised by an attorney and/or by individuals with special knowledge or training with respect to children with disabilities;
- present evidence and confront, cross-examine, and compel the attendance of witnesses;
- request that any evidence at the hearing that has not been disclosed at least five days before the hearing be prohibited at the hearing.
- receive a written or electronic word-for-word transcript of the hearing at no charge to you;
- have the hearing conducted at a time and place that is reasonably convenient to you and your child; and

- receive a written or electronic word-for-word copy of the hearing officer's findings and decisions.

### **What is your child's status during proceedings?**

- while waiting for the decision of any hearing, review, or judicial proceeding, your child must remain in the current placement, unless the hearing, review or judicial proceeding concerns a disciplinary issue wherein your child will remain in the interim alternative placement unless you and the school district agree otherwise. This is referred to as "stay-put."
- if you and your district cannot agree to an educational placement, then the hearing officer will make this decision.
- if the hearing involves initial admission to public school, and your child is of school age, then your child (with your consent) will be placed in the public school programs until the completion of all the proceedings.
- additionally, if your child has been removed from his current educational placement due to drugs, weapons, or the serious bodily injury to another person "stay-put" may be an alternative educational placement decided by school personnel, decided by school personnel, for up to 45 school days, unless a hearing officer decides otherwise.

### **What if you disagree with the due process hearing?**

If you are still not satisfied with the findings and decision made in the due process hearing, you have the right to bring a civil action in the chancery court for your county of residence or federal district court for your county of residence.

### **Do you pay for your attorneys' fees?**

- you are responsible for paying your own attorney and any expert witness costs. However, **if you prevail in any action or proceeding with respect to a due process hearing, you have the right to request that the court grant reasonable attorneys' fees as part of the decision.**
- if the impartial hearing officer orders an IEP meeting as part of the hearing proceeding, then your attorneys' fees for this meeting may be included as part of your request for reimbursement.

### **Can I get attorneys' fees paid for mediation?**

No, unless the mediation is ordered by a hearing officer.

## COMMONLY USED TERMS

### **ADMINISTRATIVE COMPLAINT**

The state complaint procedure involves an investigation by State Educational Agency at the request of any organization or individual who is willing to submit a signed written complaint alleging a violation of IDEA.

### **AGE OF MAJORITY**

Is the age at which special education parental rights transfer to the child. The age in Tennessee is 18. An explanation of these rights must be given to the child at least one year prior to the child's 18<sup>th</sup> birthday.

### **ANNUAL GOALS**

Are statements on your child's IEP that describe what he/she can be expected to accomplish in one year in the area of need.

### **ANNUAL REVIEW**

Is a meeting held each year to review the previous school year's IEP and to write a new IEP for the upcoming school year.

### **AREA(s) OF DISABILITY**

Developmentally Delayed  
Mental Retardation  
Functionally Delayed  
Emotional Disturbance  
Learning Disability  
Intellectual Giftedness  
Visual Impairment (Blind)  
Hearing Impairment (Deaf)  
Deaf-blindness  
Other Health Impairment  
Physical Impairment (Orthopedic)  
Speech/Language Impairment  
Autism  
Multiple Disabilities  
Traumatic Brain Injury

### **ASSESSMENT**

A method or a tool (i.e. tests and observations) for determining:

- Present levels of performance and educational needs
- Eligibility for service
- Progress toward achieving goals
- Category of disability

### **ASSISTIVE TECHNOLOGY**

Any item, or collection of items, used to maintain or

|   |  |
|---|--|
| <b>DEVICE</b>                                 | improve daily living (such as toileting or dressing) and/or these items needed to improve classroom skills of a child with a disability. This does not include a medical device that is surgically implanted or the replacement of such a device.  |
| <b>ASSISTIVE TECHNOLOGY SERVICE</b>           | Any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device including: <ul style="list-style-type: none"> <li>• evaluation of a child's needs</li> <li>• selecting, designing, fitting, adapting, applying, maintaining, repairing, or replacing assistive technology devices</li> <li>• coordinating and using other services with assistive technology devices</li> <li>• training or technical assistance for anyone closely involved with the child.</li> </ul>   |
| <b>COGNITIVE</b>                              | Relating to the act or process of thinking, reasoning and/or problem solving.  |
| <b>DEVELOPMENTAL</b>                          | A progression from a simpler or lower to a more advanced, mature, or complex form or stage   |
| <b>DEVELOPMENTALLY APPROPRIATE CURRICULUM</b> | Means a curriculum that is designed to be appropriate for your child's age and exceptionality.   |
| <b>DEVELOPMENTAL DOMAIN</b>                   | Refers to the following areas of development <ol style="list-style-type: none"> <li>1) <b>Adaptive Domain</b> – Means the area of the curriculum that addresses self-help, independent functioning, and personal and social responsibility.</li> <li>2) <b>Aesthetic Domain</b> – Means the area of the curriculum that addresses opportunities for creativity through such activities as art, music, and movement.</li> <li>3) <b>Cognitive Domain</b> – Means the area of the curriculum that addresses the understanding of time, area, volume, number, and classes.</li> <li>4) <b>Communication Domain</b> – Means the area of the curriculum that addresses the form, content, and use of language.</li> <li>5) <b>Sensorimotor Domain</b> – Means the area of the curriculum that addresses sensory awareness, exploration, and differentiation based on sensory input, and small- and large-muscle development.</li> </ol> |

- 6) **Social-Emotional Domain** – Means the area of the curriculum that addresses management of self, as well as relationships with peers and adults.

**DIFFERENTIATED  
REFERRAL PROCEDURES**

Means the planning, implementation, and evaluation of interventions conducted prior to referral of a comprehensive evaluation.

**DISTRICT OF RESIDENCE**

Is the school district where the parents of a child with a disability live.

**DOCUMENTED DEFICIT**

Means an area of development or functioning that has been determined to be deficient based on data obtained through structured interview, structured observation, and norm-referenced and criterion-referenced curriculum-based assessments.

**DUE PROCESS HEARING**

A formal administrative procedure that is held to resolve disagreement.

**EARLY INTERVENTION  
SERVICES**

Are services provided to children with developmental delays from birth through age two.

**EVALUATION**

Means procedures used to determine whether your child has a disability and the nature and extent of special education and related services needed.

**EXTENDED SCHOOL  
YEAR SERVICES**

Are special education and related services that are provided outside the normal 180-day school year.

**FREE APPROPRIATE  
PUBLIC EDUCATION (FAPE)**

The entitlement of every child with a disability under both the IDEA and 504.

**FUNCTIONAL BEHAVIOR  
ASSESSMENT**

A process that includes interviews, direct observations, and other in-depth evaluations of the student's behaviors. (Example) What happened before the behavior? What happened during the behavior? What was the result of the behavior? In what environment did the behavior occur? Has the child's medication been changed? Did the child receive medication at the right time?

**FUNCTIONAL VOCATIONAL  
EVALUATION**

A process in which the skills and experiences a student will need to reach his/her secondary transition goals are identified and then incorporated into the IEP and/or transition plan.

**GENERAL CURRICULUM**

All of the instruction, services, and activities provided for students through formal schooling. The same curriculum as for nondisabled children.

**INDEPENDENT EDUCATION**

Is an evaluation conducted by a qualified examiner who is

|  |   |
|--|---|
| <b>EVALUATION (IEE)</b>                    | not employed by the school district responsible for the education of your child.  |
| <b>INTEGRATED EMPLOYMENT</b>               | Employment in which people who have disabilities participate in regular work at typical settings along side of people without disabilities.   |
| <b>INTERVENTION ASSISTANCE</b>             | Is a team of educators and parents from your child's school that meets to design interventions for children who are experiencing difficulty.  |
| <b>LEAST RESTRICTIVE ENVIRONMENT (LRE)</b> | Means, to the maximum extent appropriate, children with disabilities including children in public or private institutions or other care facilities, are educated with children who are non-disabled. And the special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. |
| <b>LEA</b>                                 | Local Education Agency  |
| <b>LIMITED ENGLISH PROFICIENCY</b>         | Students who have limited English speaking ability because a language other than English is spoken in the home and/or students who have difficulty reading, writing or understanding the English language.  |
| <b>MEDIATION</b>                           | An informal method of dispute resolution in which parents and school districts resolve differences about the identification, programming or placement for a student with a disability with the help of a professional mediator.   |

**FOR FURTHER INFORMATION PLEASE CALL:**

Joseph Fisher, Assistant Commissioner  
Bill Wilson, Attorney and Director of Legal Services  
Bill Ward, Legal Consultant  
Division of Special Education, Tennessee Department of Education  
710 James Robertson Parkway  
7<sup>th</sup> floor, Andrew Johnson Tower  
Nashville, Tennessee 37243-0380  
Phone: 615-532-8228  
Fax: 615-532-9412

East Tennessee Special Education Resource Services  
Robert Winstead, Coordinator  
2763 Island Home Blvd.  
Knoxville, TN 37920  
Phone: 865-594-5691  
Fax: 865-594-8909

Middle Tennessee Special Education Resource Services  
Bob Blair, Coordinator  
1256 Foster Avenue, Hardison Bldg.  
Nashville, TN 37243  
Phone: 615-532-3258  
Fax: 615-532-3257

West Tennessee Special Education Resource Services  
Larry Greer, Coordinator  
100 Berryhill Drive  
Jackson, TN 38301  
Phone: 731-421-5074  
Fax: 731-421-5077



## Additional Information

Answers to many questions and much helpful information may be obtained from the State Department of Education by calling 1-888-212-3162 or visiting <http://www.state.tn.us/education/speced/index.htm>.

You may also wish to contact your local school or local Board of Education.

In addition to the state and local resources available to parents and children, there are many agencies and organizations that offer support, information, training, and help in advocating for persons with disabilities in Tennessee.

A few of these organizations are listed below:

**The ARC of Tennessee** is on the Internet at <http://www.thearctn.org/>

44 Vantage Way, Suite 550  
Nashville, TN 37228

Phone: 615.248.5878 Toll-free: 1.800.835.7077  
Fax: 615.248.5879 Email: [pcooper@thearctn.org](mailto:pcooper@thearctn.org)

**Support and Training for Exceptional Parents (STEP)** is on the Internet at <http://www.tnstep.org/>

712 Professional Plaza  
Greeneville, TN 37745

West Tennessee:  
(901) 756-4332  
[jenness.roth@tnstep.org](mailto:jenness.roth@tnstep.org)

Middle Tennessee:  
(615) 463-2310  
[information@tnstep.org](mailto:information@tnstep.org)

East Tennessee:  
(423) 639-2464  
[karen.harrison@tnstep.org](mailto:karen.harrison@tnstep.org)

**Disability Law & Advocacy Center of Tennessee** is on the Internet at <http://www.tpainc.org/>

416 21st Avenue South  
Nashville, Tennessee 37212

1-800-287-9636 (Toll free) or 615-298-1080  
615-298-2471 (TTY) 615-298-2046 (FAX)

**Tennessee Voices for Children** is on the Internet at <http://www.tnvoices.org/main.htm>

West Tennessee:  
(Jackson Area)  
Telephone: 731-660-6365  
Fax: 731-660-6372

Middle Tennessee:  
1315 8th Avenue South  
Nashville, TN 37203  
Telephone: 615-269-7751  
Fax: 615-269-8914  
TN Toll Free: 800-670-9882  
E-mail: [TVC@tnvoices.org](mailto:TVC@tnvoices.org)

East Tennessee:  
(Knoxville Area)  
Telephone: 865-609-2490  
Fax: 865-609-2543

**These are but a few of the organizations available to help with information, training, and advocacy. For a more extensive list visit the Tennessee Disability Services -- Disability Pathfinder Database:**

<http://mingus.kc.vanderbilt.edu/tidir/dbsearch.asp>

On the web page, select your "county" and the "service" you desire from the drop-down lists and click "Submit."

This information is provided as a service to individuals seeking additional avenues for help and information. The Department of Education does not intend this as an endorsement or recommendation for any individual, organization, or service represented on this page.

# Special Education Administrative Complaint

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To: Tennessee Department of Education  
Division of Special Education  
ATTN: Legal Services  
7<sup>th</sup> Floor, Andrew Johnson Tower  
710 James Robertson Parkway  
Nashville, Tennessee 37243-0380  
FAX: 615.253.5567

From:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone (Home)

\_\_\_\_\_  
Telephone (Work)

\_\_\_\_\_  
Child's Name

\_\_\_\_\_  
Child's Date of Birth

\_\_\_\_\_  
Child's Disability

I wish to file an administrative complaint on behalf of \_\_\_\_\_, a student at  
\_\_\_\_\_ School, in the \_\_\_\_\_ School  
System. The specific grounds/reasons for this complaint are as follows:

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Please investigate this complaint and notify me of the results. I understand that it may be necessary to release a copy of any correspondence submitted by me in relation to this complaint, my name, the name of the child, and the nature of my complaint to local school system officials in order to resolve these issues.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**TENNESSEE DEPARTMENT OF EDUCATION  
DIVISION OF SPECIAL EDUCATION  
DUE PROCESS HEARING REQUEST FORM**

**PARENT INFORMATION** (To be completed by parents and returned to the School System for processing)

Name of Child \_\_\_\_\_ Name of Parent/Guardian \_\_\_\_\_

Child/Parent/Guardian Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

Attorney for Child/Parent/Guardian \_\_\_\_\_

Attorney's Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_ Hearing is to be **OPEN** \_\_\_\_\_ **CLOSED** \_\_\_\_\_

*Complete description of the nature of the problem of the child relating to identification, evaluation, educational placement (initial or proposed change) or the provision of a free appropriate public education (FAPE).*

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*Please provide a proposed resolution of the problem to the extent known and available to the parents.*

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**NOTE: Failure on the part of the parents and/or attorney representing the child to complete this section could cause a reduction in the amount of attorney's fees if the child is the prevailing party.**

**SYSTEM INFORMATION** (To be completed by the School System)

School System \_\_\_\_\_ System Administrator \_\_\_\_\_

School System Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

School Attended \_\_\_\_\_ Disability \_\_\_\_\_

Attorney for School System \_\_\_\_\_

Attorney's Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

Date Request Received by School System \_\_\_\_\_ Place Hearing to be Held \_\_\_\_\_

Due Process Hearing request initiated by: School System \_\_\_\_\_ Parent/Guardian \_\_\_\_\_

**~ School system shall provide parent information when initiating hearing ~**

**This request is to be mailed and/or faxed by the school system to:**

ATTN: Legal Services  
Tennessee Department of Education  
Division of Special Education  
7<sup>th</sup> Floor, Andrew Johnson Tower  
710 James Robertson Parkway  
Nashville, TN 37243-0380  
FAX: 615-253-5567

**DPForm 10/09/02**

## SPECIAL EDUCATION MEDIATION REQUEST

ATTN: Legal Services  
Tennessee Department of Education  
Division of Special Education  
7th Floor, Andrew Johnson Tower  
710 James Robertson Pkwy.  
Nashville, TN 37243-0380  
FAX: 615-253-5567

We would like to request special education mediation on behalf of \_\_\_\_\_ a student in \_\_\_\_\_ Schools.

Disability \_\_\_\_\_

\_\_\_\_\_ We understand this request is for mediation only. A due process hearing has not been requested.

\_\_\_\_\_ We understand this request is for mediation concurrent with a request for a due process hearing. A written request for a hearing has been forwarded to the Superintendent of Schools.

Summary of Issues to be Mediated:

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| The assigned mediator will contact with both parties to schedule the date, time, and location of the mediation conference |
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\_\_\_\_\_  
\*Parent Signature

Parent/Guardian

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

\_\_\_\_\_  
\*School System Signature

School System Administrator

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

School System \_\_\_\_\_

\*Not Valid Unless Both Parties Have Signed